

SN. 10/016,079

ATTORNEY DOCKET No. SUZU:002

REMARKS

Claims 1-16 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1-16 have been amended to improve their readability and form. Independent claims 1, 5, 9, and 13 now include the missing term --to-- to remove the informalities identified by the examiner. Independent claims 1, 5, 9, and 13 further have been amended to incorporate the subject matter of dependent claims 3, 7, 11, and 15, while further defining that the contributing user is different from the proprietor of the digital content. No new matter has been introduced.

Art Rejection

Claims 1, 2, 4-6, 8-10, 12-14, and 16 were rejected under 35 U.S.C. § 102(e) as anticipated by Yamanaka (USPGP 2001/0016834). Remaining claims 3, 7, 11, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamanaka. Applicant submits that the pending claims clearly define over Yamanaka because Yamanaka would not have disclosed or taught the contributing and registering features set forth in independent claims 1, 5, 9, or 13.

Independent claims 1, 5, 9, and 13, as presently amended, each call for contributing a digital content from one of the users together with status information indicating that the contribute digital content is subject to legal protection and identifying the proprietor of the digital content, which is created as a secondary work by the one user, who is different from the identified content proprietor. These claims further call for registering the contributed digital content in a second database together with the status information. The claimed invention thus allows the advertisement fees collected from the advertisers to be distributed to the content proprietors, while allowing the users to freely publish or browse the digital contents without having to concern themselves with the complicated process of obtaining rights to publish.

In rejecting dependent claims 3, 7, 11, and 15, the examiner alleged that Yamanaka discloses contributing and registering digital contents from the proprietors thereof, but does not disclose providing the status of the digital contents. In this respect, the examiner took Official Notice that providing the status information would have been well known and obvious. Applicant submits that even if what the examiner alleges were to be correct, for argument's sake, applicant submits that Yamanaka still would not have disclosed submitting digital contents by the users of the service who are different from the proprietors. Yamanaka simply would not

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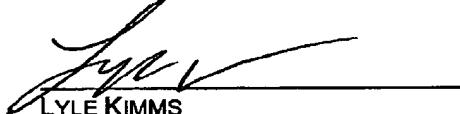
have taught a system where users can legally contribute digital contents owned by others. Accordingly, applicant submits that the pending claims patentably distinguish over Yamanaka within the meaning of § 102 and § 013.

Conclusion

Applicant submits that claims 1-16 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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12 JUNE 2006

DATE

LYLE KIMMS

REG. NO. 34,079 (RULE 34 WHERE APPLICABLE)

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